

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially, Applicants wish to respond to the examiner's objection to the specification set forth in paragraph No. 3 bridging Pages 2 and 3 of the office action. Applicants have reviewed their Preliminary amendment which was filed with the instant application in January of 2002. Applicants believe that both of the references to claims referred to by the examiner in paragraph 3 of his office action were deleted from the specification by that Preliminary amendment. Accordingly, Applicants believe that there is no further action to be taken vis-à-vis that matter.

The examiner rejected claim 23 under 35 U.S.C. 112, second paragraph. Applicants have amended claim 23 so as to overcome the examiner's objections raised in paragraph 6 of his office action. It is respectfully submitted that claim 23 as amended now complies with the formal requirements of 35 U.S.C. 112, second paragraph.

Independent claims 11, 18, 23 and 24 have been amended so as to further define over the prior art references. It is respectfully submitted that all of the claims as now pending patentably define over the art of record for the reasons set forth hereinbelow.

Independent claim 11 now sets forth that the metal powder is an aluminum metal powder and further sets forth that the structural element has at least a surface of a compatible material which bonds to the foamed metal powder. Support for these limitations can be found, for example, on Pages 4 and 13 of the instant application as well as originally filed claim 2. The sum total teachings of the prior art reference fail to

teach, disclose, suggest or render obvious the subject matter of amended claim 11. The prior art does not suggest an aluminum metal powder having embedded therein a structural element having at least a surface compatible with the material so as to bond the surface of the structural element to the foamed metal powder in the final mold shaped article. It is the specific metal powder in compatible surface material on the structural element which leads to the "integrally bonded and fixedly embedded" form of the final demolded mold shaped article. It is believed that claim 11 now patentably defines over the cited and applied references.

Independent product by process claim 24 has been amended so as to contain limitations paralleling those set forth in independent claim 11 above. It is believed that claim 24 is patentable for the same reasons set forth above with regard to claim 11.

Amended independent claim 23 now sets forth the density of the aluminum metal powder which leads to the homogeneous pore distribution in the foamed metal body. The prior art does not show a homogeneous pore distribution nor teach the need for the density of the powder material prior to foaming. It is believed that the previously submitted declaration establishes the nature of the homogeneous product of the present invention when compared to the prior art. Accordingly, it is believed that claim 23 patentably defines over the art of record.

Finally, independent claim 18 has been amended so as to specify that the structural element has a shaped portion on its surface so as to provide a mechanical bond with the foam metal. The prior art does not teach or suggest providing such a "shaped portion" for increasing the mechanical bond between the foamed metal and the structural element. Support for this limitation

is set forth on the fourth full paragraph on Page 5 of the specification as well as originally filed dependent claim 3. In light of the foregoing, it is submitted that claim 18 patentably defines over the art of record and an early indication of same is respectfully requested.

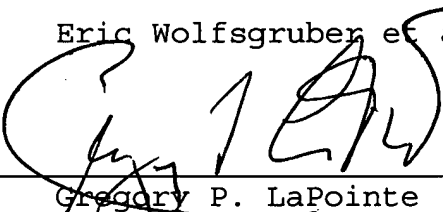
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
Eric Wolfsgruber et al.

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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on May 16, 2006.

